

On motion of Senator Randolph, the following amendment was made :

Add to section 6 :

"Provided that the administrator be, and he is hereby authorized to retain in his possession, as fees for his services, five per cent. on the assets so turned over."

Senator Guinn moved to amend section — as follows :

"Provided, when the report of sale shall show that the property sold does not exceed two thousand dollars, then said notes shall not be placed in the Treasury of the State, but such administrator shall have the right to collect the same and pay the money into the Treasury."

Amendment made, bill as amended read second time and ordered to be engrossed.

On motion of Senator Guinn, rule suspended, read third time and passed.

On motion of Senator Cook, Senator Burney was added to the Committee on State Affairs.

On motion of Senator Guinn, Senator Brown was added to the Committee on State Affairs.

Senator Dalrymple offered the following resolution :

Resolved, That the Select Committee, to whom was referred a bill supplemental to "An Act to divide the State into Judicial Districts, be requested to take into consideration, the convenience of all parties interested, as well as the assignment of thirty-two weeks of Judicial labor annually to each Judge, and that the Committee be authorized to increase the number of Judicial Districts, if it be necessary to accomplish this object."

Resolution adopted.

On motion of Senator Guinn, the Senate adjourned until tomorrow morning 9 o'clock.

SENATE CHAMBER, }
AUSTIN, Oct. 3, 1866. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Roll called—quorum present.

Journal of yesterday read and adopted.

Upon motion of Senator Neyland, Senator Stell was excused until Monday week.

Senator McDade presented petition of citizens of Austin county. Referred to Judiciary Committee.

Senator Cook, on the part of the Judiciary Committee, reports and recommends the passage of House bill No. 98, entitled "An Act to repeal an act entitled an act to prohibit the sale of intoxicating liquors within four and a half miles of the courthouse in Fort Worth, Tarrant county, Texas," have instructed me to report the bill back to the Senate and recommend its passage.

Senator Cook also reports adversely to a bill authorizing the judges of courts of record to employ phonographers.

Also reports and recommends the passage of a bill to amend article 761 of an act to adopt and establish a penal code for the State of Texas.

Also reports and recommends the passage of a bill to amend the second section of an act to incorporate the town of Helena, in Karnes county, passed August 23, 1856.

Also reports and recommends the passage of a bill to define and punish the crime of drunkenness, with the following amendment:

In section 1, strike out all after the word "exceeding" in the 6th line, and insert "one hundred dollars."

Also reports and recommends the passage of a bill to exclude from serving on juries persons who may be convicted of infamous crimes, with the following amendment: Strike out the word "theft."

Also reports and recommends the passage of a bill to exclude from the right of suffrage persons who may be convicted of infamous crimes, with the following amendment: In section 1, strike out the word "theft."

Also reports adversely to a bill entitled "An Act relative to judicial advertisements."

Also made the following report:

Hon. G. W. Jones, President of the Senate:

The Judiciary Committee to whom was referred House bill No. 75, to be entitled "An Act to authorize the Police Court of Walker county to levy and collect a special tax for repairing and completing the county buildings," have had the same under consideration, and have instructed me to report that legislative action upon the bill is thought to be unnecessary, as the subject matter of the bill is provided for by the act of the present Legislature authorizing police courts to levy special taxes for the purposes contemplated by the bill.

R. V. COOK,

One of the Committee,

Also reports and recommends the passage of House bill No.

95, entitled "An Act establishing a general apprentice law, and defining the obligations of master, or mistress, and apprentice."

Senator Parker made the following report:

COMMITTEE ROOM,
Oct. 3, 1866.

To Hon. G. W. Jones, President of the Senate :

The Committee on Enrolled Bills have examined "An Act to incorporate the Houston Direct Navigation Company," and find the same correctly enrolled, properly signed, and they have presented the same to the Governor for his approval.

F. J. PARKER, Chairman.

Senator Cook, Chairman of the Committee on Federal Relations, made the following report:

To the President of the Senate :

The Committee on Federal Relations have had under consideration the joint resolution from the House, authorizing the Governor to investigate the seizure of cotton belonging to the State of Texas by the Federal authorities.

The committee have instructed me to report the resolutions back to the Senate, with the following amendments:

Add the following proviso to section 3d: "And provided, further, that the Governor may draw from the treasury an amount of money sufficient to defray the actual expenses of the agent so appointed, not to exceed the sum of seven hundred dollars, and advance the same to said agent; and if the contract with Wm. B. Coffee, referred to, shall be carried out, one-half of the amount so advanced shall be deducted from the amount so advanced, shall be deducted from the amount recovered, and to which the said Coffee may be entitled under said contract."

Add the following section to the bill:

"SECTION 4. That the sum of seven hundred dollars, or so much thereof as may be necessary, is hereby appropriated for the purposes of these resolutions, and that these resolutions be in force from their passage."

The Committee instruct me to report back the resolutions, so amended, and to recommend their adoption.

R. V. COOK, Chairman.

The following message was received from his Excellency, the Governor, which, upon motion of Senator Shelley, was taken up and read, and upon motion of Senator Burney, was referred to Committee on Finance:

EXECUTIVE OFFICE, }
 AUSTIN, TEXAS, Oct. 2, 1866. }

Gentlemen of the Senate and House of Representatives :

It is with emotions which I have no language to express, that I announce to you the return of eleven of our unfortunate people from captivity among the Indians. Eight of them left the city this morning on the way to their homes in Gillespie county, with an escort kindly furnished by Lt. Col. Morris, the commanding officer of this Post. Three of the prisoners, Mr. Sprague of Young county, and James and William Ball of Montague county, are now with their friends in Northern Texas. Mrs. Sprague was captured about three years ago. At what time the Ball children were carried off, I have not learned.

Mrs. Caroline McDonald and her three children, Mahala, Rebecca Jane and Eli, Alice and James Taylor, and their half sister Dorcus Taylor and James Benson, have been seen and conversed with this morning by quite a number of the gentlemen of your honorable body. From their own lips you have learned the melancholy story of their sufferings, and in their persons you have witnessed the living testimonies of the wretched and unhappy condition of our frontier people. The story of the long suffering of these hapless women and little children constitute but a slight episode in the great history of the terrible calamities encountered by the people of the frontier. Mrs. McDonald and those with her, except the lad, Jas. Benson, were captured in Gillespie county, on the 8th of June, 1865. Her husband was murdered at the time. James Benson was captured in Hamilton county, but has no recollection of the time. I learn that his widowed mother resides near Fredericksburg.

These prisoners were brought in by the Kiowas and Comanches, and delivered to the U. S. Indian Agent, at the mouth of Little Arkansas, in October last, at which time a treaty was made with those and other wild tribes. These, added to others reclaimed heretofore, make twenty-two persons recovered from the Indians within the last eighteen months. There are quite a number of prisoners yet in the hands of the Indians, some of whom were captured before the making of the treaty referred to, and others taken since. It has been but a few days ago, in Cook county, that a Mr. Box was murdered and his wife and two grown daughters, and two younger daughters, were carried off. The last mail brought the intelligence of the murder in Jack county, of Mr. Enoch Jones and son, and two negroes, after a most desperate struggle with the savages. So that we see that treaties with these perfidious people are of no avail. I trust the

day of retribution is not far distant. The time has come when every impulse of the heart demands that this long continued scene of murder and rapine should cease. I shall use every means in my power to impress upon the military authorities the necessity of action and vigorous operations against these marauding bands that have so long been the scourge of our people. In the event of a failure to accomplish this, it must be done by ourselves.

It is proper that I should inform you that the returned prisoners had no means of reaching their homes, after their release from captivity, and waited long and anxiously, expecting assistance from the government. In this they were disappointed. Mr. Joseph Dunlap, a citizen of Kansas, commiserating their situation, fitted up teams, purchased provisions and otherwise furnished their wants as he was able, and has accompanied them home. He has made no charge, and leaves it to your liberality to compensate him as you may deem proper. Such an act of humanity by a stranger to those suffering women and children of Texas under the attending circumstances of their history, challenges our gratitude, and should be responded to in a spirit of liberality, that will show the hearty appreciation entertained by us of conduct so humane and commendable. I most respectfully suggest the necessary appropriation.

J. W. THROCKMORTON.

Senator Shannon introduced a bill entitled "An Act supplementary to and amendatory of an act entitled an act to incorporate the Texas Copper Manufacturing Company."

Read first time and referred to Committee on Commerce and Manufactures.

Senator Braswell reports and recommends the passage of a bill to incorporate the Columbus, San Antonio and Rio Grande Railroad Company.

Upon motion of Senator Burney, bill was taken up out of order, rule suspended, read second time and passed to its third reading.

Upon motion of Senator Burney, rule suspended, bill read third time and passed by the following two-thirds vote:

YEAS—Senators Braswell, Blount, Boyd, Brown, Bumpass, Burney, Cooley, Coppedge, Dalrymple, Foscoe, Guinn, Jowers, Littleton, McDade, Nelson, Neyland, Randolph, Reed, Sautley, Shannon, Shelley, Stell, Truitt and Yarbrow—24.

NAYS—None.

Senator Guinn introduced a bill entitled "An Act to provide for the manufacture of iron by the State."

Read first time and referred to Committee on Commerce and Manufactures.

Upon motion of Senator Dalrymple, a bill to incorporate the town of Lampasas, in Lampasas county, was taken up out of order.

Rule suspended, bill read second time and ordered to be engrossed.

Upon motion of Senator Guinn, the rule was further suspended, bill read third time and passed.

Joint resolution for making known result of vote on amended constitution.

Read first time, and on motion of Senator Guinn, rule suspended, bill read second time and passed to its third reading.

On motion of Senator Guinn, rule further suspended, resolution read third time and passed.

Senator Parker made the following report:

Hon. G. W. Jones, President of the Senate :

The Committee on Enrolled Bills have examined the following bills, to-wit:

Joint resolution concerning the removal of the remains of Gen. A. S. Johnston from the State of Louisiana, and their interment in the State Cemetery in Austin.

An act to incorporate the town of Pilot Point, in Denton county.

An act granting a charter to Robert A. Rike and E. Dobson to build a toll bridge across Pilot Grove creek, on the direct road leading from McKinney to Greenville, by Farmersville, in Collin county."

And find the same correctly enrolled and properly signed, and have presented the same to the Governor for his approval.

F. J. PARKER, Chairman.

Bill to confer the office of Librarian upon clerks of the Supreme Court, with report recommending amendment of "one" in place of "four."

Senator Parker moved to amend by striking out "one," and inserting "two."

Amendment made by the following vote:

YEAS—Senators Boyd, Brown, Burney, Littleton, Nelson, Parker, Randolph, Reed, Saufley, Selman, Shelley and Yarbro—12.

NAYS—Senators Blount, Bumpass, Cook, Cooley, Coppedge, Guinn, Jowers, McDade, Neyland, Record and Truitt—11.

Report, as amended, adopted.

Bill read second time.

Upon motion of Senator Shelley, bill was amended by striking out, in 2d section, from "and," in the 7th line, to "for," in 10th line, and inserting, "they shall make a report annually, on the 1st day of November, to the Governor, containing said lists."

Upon motion of Senator Guinn, the bill was amended by inserting in second section, after "thereof," in 7th line, "provided the books shall not be removed from the library room, except by the judges of the court, and by members of the Legislature during the sessions of the Legislature, upon their receipts for the same to the clerk."

Upon motion of Senator Parker, rule was suspended, bill read third time and passed.

Upon motion of Senator McDade, House bill to incorporate Eureka Manufacturing Company, on its second reading, taken up.

Bill read second time and passed to third reading.

Upon motion of Senator McDade, rule suspended, bill read third time and passed by the following two-thirds vote:

YEAS—Senators Braswell, Blount, Boyd, Brown, Bumpass, Burney, Cook, Cooley, Coppedge, Foscue, Guinn, Jowers, McDade, Nelson, Neyland, Parker, Randolph, Record, Reed, Saufley, Selman, Shannon, Truitt and Yarbrow—24.

NAYS—None.

Upon motion of Senator Neyland, House bill for the relief of the heirs of Dan'l P. Coit, dec'd, upon its second reading, was taken up and read.

Senator Neyland made the following report:

COMMITTEE ROOM,
Austin, Oct. 3, 1866. }

Hon. G. W. Jones, President of the Senate :

The Committee on Engrossed Bills have examined and find correctly engrossed the following bills:

A bill to be entitled "An Act to ascertain the amount of adjusting and funding the State debt."

A bill to be entitled "An Act to incorporate the Galveston City Railroad Company."

A bill to be entitled "An Act to incorporate the Small Craft Transportation Company."

A bill to be entitled "An Act to revive the incorporation of the town of Linden, in Davis county, formerly Cass county, passed 24th January, 1856."

Respectfully submitted.

W. M. NEYLAND,
Chairman Com. on Engrossed Bills.

The hour having arrived for the consideration of the special order, viz: A bill to organize the County Courts, and to define the powers and jurisdiction thereof,

Upon motion of Senator Cook, the Senate went into Committee of the Whole upon consideration of the bill.

Senator Jowers in the Chair.

Committee rose, reported progress, and asked leave to sit again at 10 o'clock to-morrow morning.

Upon motion of Senator Guinn, report was adopted.

Senator Cooley introduced a bill to provide for the erection of the second penitentiary of the State of Texas.

Read first time and referred to Committee on State Affairs.

Upon motion of Senator Cook, the Senate adjourned until to-morrow morning, 9 o'clock.

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SENATE CHAMBER, }
October 4th, 1866. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Roll called—quorum present.

Journal of yesterday read and adopted.

Senator Guinn made the following report:

Hon. G. W. Jones, President of the Senate:

The Committee on Finance, to whom was referred the message of His Excellency the Governor, of date October 2d, 1866, in reference to persons captured by Indians and recovered in Kansas, and who were conveyed to their homes in Texas by Joseph Dunlap, instruct me to say that the act of Mr. Dunlap was humane and entitles him to the gratitude and respect of the people of the State, and a majority of the Committee have instructed me to report the accompanying bill and recommend its passage.

R. H. GUINN, Chairman.

Senate resumed the consideration of House bill for the relief of the heirs of Daniel P. Coit, which had been postponed on yesterday for the purpose of taking up the special order.

Bill read second time and passed to its third reading; upon motion of Senator Neyland, rule suspended, bill read third time and passed by the following two-third vote:

YEAS—Senators Boyd, Brown, Burney, Coppedge, Jowers, Littleton, McDade, Nelson, Neyland, Parker, Randolph, Saufley, Shannon, Shelley, Truitt and Yarbrow—16.